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Human Rights Council
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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/20. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

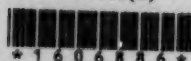
Recalling Human Rights Council resolution 29/13 of 2 July 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights, inter alia, to undertake a comprehensive assessment of allegations of violations and abuses of human rights and to recommend appropriate follow-up action,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 18/17 of 29 September 2011, 21/28 of 28 September 2012, 23/24 of 14 June 2013 and 26/31 of 27 June 2014 on technical assistance and capacity-building for South Sudan in the field of human rights and the President's statement PRST 25/2 of 28 March 2014,

Recalling all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Recalling also Security Council resolutions 1809 (2008) of 16 April 2008, 2033 (2012) of 12 January 2012, 2206 (2015) of 3 March 2015, 2223 (2015) of 28 May 2015, 2241 (2015) of 9 October 2015 and 2252 (2015) of 15 December 2015 and the statements by its President S/PRST/2014/16 of 8 August 2014, S/PRST/2014/26 of 15 December 2014 and S/PRST/2015/9 of 24 March 2015,

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General on South Sudan, the reports of the United Nations Mission in South Sudan dated 21 February 2014, 8 May 2014, 19 December 2014, 9 January 2015



and 4 December 2015, and the reports of the United Nations High Commissioner for Human Rights,¹

Deeply concerned also about the prevailing situation in South Sudan, which is marked by the atrocities committed since the outbreak of violence in December 2013, acute food insecurity, a deepening economic crisis and the dire humanitarian crisis, producing mass displacements within South Sudan and outside the country, access restrictions and other impediments to humanitarian assistance, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its reports dated 8 May 2014 and 4 December 2015 that the violations and abuses of human rights and the violations of international humanitarian law that have been committed may constitute war crimes and crimes against humanity,

Gravely concerned about the increase in sexual and gender-based violence and instances of conflict-related rape and gang rape, coupled with beating and abductions, as reported by the Secretary-General to the Security Council in February 2016,²

Expressing grave concern at the new trend of wholesale destruction of villages, indiscriminate targeting of civilians and health-care facilities, attacks on places of worship, the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal, the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Condemning in the strongest terms the violence which erupted in the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and emphasizing the inviolability and sanctity of the United Nations compound,

Undertining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing concern that civilians who sought safety in the protection-of-civilians site of the United Nations Mission in South Sudan have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed,

Recalling that the protection of civilians in South Sudan is a responsibility of the Government of South Sudan,

Urging all parties to the conflict in South Sudan to protect civilians and allow safe and immediate humanitarian access,

Emphasizing that mediation can play an important role in the peaceful settlement of disputes, conflict resolution and prevention, including the prevention of human rights violations and abuses,

Expressing particular concern at the reduction of democratic space in South Sudan, including through the heightened restrictions on freedom of expression, peaceful assembly and association, including attacks on journalists and media workers, and limitations on the operations of civil society and the media, and in this regard noting with concern that the

¹ See A/HRC/31/49 and A/HRC/31 CRP.6, which were made publicly available only after the start of the thirty-first session of the Human Rights Council on 11 March 2016.

² S/2016/138.

recently signed bills on non-governmental organizations and the Relief and Rehabilitation Commission could disrupt international and national non-governmental organizations, including those that provide ongoing humanitarian assistance, and stressing the responsibilities of a transitional Government of national unity to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Welcoming the signing of the Agreement and the leading role that the Intergovernmental Authority on Development played to mediate the Agreement, and calling on all parties to fully implement the Agreement and abide by the ceasefire,

Welcoming also the report of the African Union commission of inquiry on South Sudan, and emphasizing its hope that this and other credible reports will be considered by any transitional justice mechanisms for South Sudan, including those provided for in the Agreement,

Recognizing that accountability and transitional justice can be important elements in a national reconciliation process and in implementing the Agreement, including by addressing issues of reparation, truth-seeking and non-recurrence,

Welcoming the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, agreed to the establishment of an independent hybrid court and supported the establishment of a commission for truth, reconciliation and healing consistent with the Agreement and, in this regard, inviting the Chairperson of the African Union Commission to take all steps necessary to establish these bodies,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

1. *Condemns* the ongoing human rights violations and abuses and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all human rights violations and abuses and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan, as well as the transitional Government of national unity, once formed, to ensure the protection and promotion of human rights and fundamental freedoms;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights assessment team dated 11 March 2016 and takes note of the recommendations contained therein;

4. *Also welcomes* the signing, under the auspices of the Intergovernmental Authority on Development, of the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

5. *Further welcomes* the establishment of the Joint Monitoring and Evaluation Commission and the appointment of the former President of Botswana, Festus Mogae, as its Chair;
6. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission in monitoring and overseeing implementation of the Agreement and its ceasefire provisions, and urges all parties and international partners to constructively engage with the Commission and other bodies created by the Agreement;
7. *Welcomes* the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity and reiterated its condemnation of the violence and abuses committed by armed actors in South Sudan;
8. *Calls upon* all local, regional and international partners to collaborate with and support the processes aimed at achieving the implementation of a sustainable peace;
9. *Urges* the speedy formation of an inclusive transitional Government of national unity to ensure full implementation of the Agreement, and stresses that perpetrators of violations of international humanitarian law, human rights violations and abuses, including any that amount to war crimes or crimes against humanity, should be held accountable;
10. *Recognizes* the important contribution of the Joint Monitoring and Evaluation Commission in working with the parties towards the establishment of a transitional Government of national unity and urges continued support from all relevant domestic and international stakeholders for their efforts;
11. *Calls upon* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to investigate all human rights violations and abuses and violations of international humanitarian law, and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses, before, during and after legal proceedings;
12. *Urges* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;
13. *Strongly urges* all parties to end and prevent human rights violations and abuses committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;
14. *Recognizes* the important role that women play in building peace, calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;
15. *Supports* the establishment of transitional justice institutions, including an independent hybrid court and a commission for truth, reconciliation and healing, consistent with the Agreement, and in this regard calls for the establishment of these bodies without delay and calls upon all parties to fully cooperate with them;
16. *Expresses serious concern* about the lack of progress made by the Government of South Sudan in improving the promotion and protection of human rights,

especially in the areas outlined in paragraphs 14 and 15 of Human Rights Council resolution 29/13;

17. *Calls upon* the Government of South Sudan to cooperate fully and constructively with the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan, as well as regional, subregional, and international mechanisms on the ground;

18. *Decides* to establish a Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(a) To monitor and report on the situation of human rights in South Sudan and make recommendations for its improvement;

(b) To assess past reports on the situation of human rights since December 2013 in order to establish a factual basis for transitional justice and reconciliation;

(c) To provide guidance on transitional justice, accountability, reconciliation and healing, as appropriate, and — once the transitional Government of national unity is fully formed, operational and commits to ending the violence against the civilian population and to cooperating with the hybrid court for South Sudan — to make recommendations on technical assistance to the transitional Government of national unity to support transitional justice, accountability, reconciliation and healing;

(d) To engage with other international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union and its African Commission on Human and Peoples' Rights, the Joint Monitoring and Evaluation Commission Chair and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

19. *Requests* the immediate operationalization of the mandate and the appointment of the Commission on Human Rights in South Sudan by the President of the Human Rights Council as soon as possible and no later than by the conclusion of the thirty-second session of the Council;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the full administrative, technical and logistical support needed to enable the Commission on Human Rights in South Sudan to carry out its mandate;

21. *Acknowledges* that the Government of South Sudan has committed to cooperating with the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing all the meetings and information relevant and requested to support the fulfilment of the mandate;

22. *Requests* the representatives of the Office of the United Nations High Commissioner for Human Rights, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and People's Rights and other stakeholders, as appropriate, be invited to discuss the human rights situation in South Sudan and steps taken by the Government to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-second session of the Human Rights Council;

23. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-fourth session;

24. Requests that the reports of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the General Assembly and the African Union;

25. Decides to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

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RES/31/21**

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General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/21. Human rights education and training

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and its statement that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,

Reaffirming also the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 on 19 December 2011, and that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms, and that every individual and every organ of society should strive by teaching and education to promote respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education as an international effort under the auspices of the United Nations to advance the implementation of human rights education in all sectors, and all previous resolutions of the Human Rights Council on human rights education and training,

Recalling also the 2005 World Summit Outcome, in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, as appropriate, and encouraged all States to develop initiatives in that regard,

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Convinced that human rights education is a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Recalling General Assembly resolution 70/254 of 12 February 2016,

Believing that human rights education and training is essential to the effective realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status,

Believing also that human rights education and training can play an important role in promoting the rule of law, democracy, good governance and sustainable peace,

Recognizing that human rights education and training, especially for youth, can contribute to the promotion of inclusive and tolerant societies, thereby favouring the progressive realization of all human rights,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,¹ including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action,² and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Calls upon* States to take appropriate measures to ensure the effective implementation of and follow-up to the United Nations Declaration on Human Rights Education and Training, including by making available the necessary resources and promoting universal respect and understanding thereof;

2. *Encourages* States and all other stakeholders to strengthen the implementation of the World Programme for Human Rights Education, including its third phase;

3. *Welcomes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization in advancing human rights education and training globally, including through the promotion of national implementation of the World Programme for Human Rights Education, methodological and training support, capacity-building and technical assistance, and urges them to step up collaboration with States, upon request, in order to build their capacity for human rights education and training;

4. *Encourages* the Office of the High Commissioner, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to support the implementation of 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof;

5. *Affirms* the importance of education, including human rights education and training, as a tool to help to prevent terrorism and violent extremism, as well as racial and religious intolerance, genocide, war crimes, ethnic cleansing and crimes against humanity worldwide, and recognizing the catalytic role of education, including human rights

¹ General Assembly resolution 70/1.

² Adopted on 4 November 2015 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session.

education and training, in helping to ensure stability and sustainable peace, human rights, social justice, diversity, gender equality and environmental sustainability;

6. *Underlines* the necessity to strengthen international cooperation and coordination in order to advance human rights education and training as a necessary tool for the promotion and protection of human rights;

7. *Appreciates* the work done by the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to collect and develop educational materials on human rights education and training, including through regional centres, and to provide access to online educational materials, including through the Office's resource collection on human rights education and training and the Organization's clearinghouse on global citizenship education;

8. *Encourages* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to further collect and provide access to educational materials on human rights education and training, including through the use of online platforms and information and communications technology;

9. *Welcomes* the initiative by the Secretary-General on preventing violent extremism which, inter alia, calls for education to include teaching respect for human rights and diversity, fostering critical thinking, promoting media and digital literacy, and developing the behavioural and socioemotional skills that can contribute to peaceful coexistence and tolerance;

10. *Appreciates* the work of the United Nations Educational, Scientific and Cultural Organization undertaken in cooperation with Member States to promote human rights education and training through the strategy on global citizenship education, in line with the Global Education First Initiative of the Secretary-General and Goal 4, target 7 of the 2030 Agenda for Sustainable Development;

11. *Recognizes* the important role of national human rights institutions in promoting effective policies on human rights education and training, and calls upon them to contribute further to the implementation of human rights education programmes;

12. *Also recognizes* the important role of civil society, including non-governmental organizations, in promoting and providing human rights education and training;

13. *Decides* to convene at its thirty-third session a high-level panel discussion to mark the fifth anniversary of the United Nations Declaration on Human Rights Education and Training, on the theme "The implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges", and requests the Office of the High Commissioner to prepare a summary report of the high-level panel discussion and to submit it to the Human Rights Council by its thirty-fifth session.

64th meeting
24 March 2016

[Adopted without a vote.]